

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

NEIL M. GRIZZELL,

Plaintiff,

v.

CYBER CITY TELESERVICES  
MARKETING, INC.,

Defendant.

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Civil Action No. 3:09-cv-1141

Judge Thomas A. Wiseman, Jr.

**ORDER**

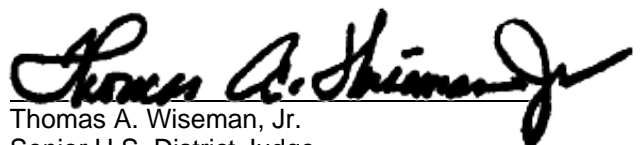
Plaintiff Neil M. Grizzell brings this action against defendant Cyber City Teleservices Marketing, Inc. ("CCTM") asserting a claim of disability discrimination in violation of the Americans with Disabilities Act ("ADA"), as well as a state-law claim for breach of an employment agreement. Now before the court are two motions: CCTM's Motion to Dismiss (Doc. No. 23) and Plaintiff's Motion for Leave to Amend Complaint (Doc. No. 26). The motions have been fully briefed and are ripe for consideration.

For the reasons explained in the accompanying Memorandum Opinion, the Court finds that CCTM is subject to personal jurisdiction in Tennessee, and that the plaintiff has sufficiently pleaded a disability discrimination claim under the ADA. CCTM's Motion to Dismiss (Doc. No. 32) is therefore **DENIED**.

CCTM has not shown that Grizzell's proposed amendment to his complaint would be futile, the only basis asserted for denial of the motion. There has been no showing of undue delay, repeated failure to cure, a lack of notice to the defendant, or the possibility of undue prejudice. The motion for leave to amend the Complaint (Doc. No. 26) is hereby **GRANTED**. The Clerk is directed to file the proposed Amended Complaint which is attached as an exhibit to the Motion to Amend.

This matter is referred back to the Magistrate Judge for further case management as necessary.

It is so **ORDERED**.

  
Thomas A. Wiseman, Jr.  
Senior U.S. District Judge